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Gary Mousseau

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EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/925,810

**Applicant(s)**

MOUSSEAU ET AL.

**Examiner**

AARON STRANGE

**Art Unit**

2153

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 29-38, 41-48, 52-66 and 68-73 is/are rejected.
- 7) ☒ Claim(s) 27, 28, 39, 40, 49-51 and 67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date See Continuation Sheet

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20010921;20011001;20011218;20020115;20020301;20020404;20020510;20020904;20021129;20030327;20031106;20041210;20060821.

### **DETAILED ACTION**

1. In the interest of expedited prosecution, the Examiner would like to recommend conducting an interview prior to filing a response to the present Office action. Given the large number of claims and the numerous claimed embodiments, the Examiner feels that an interview would help facilitate a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the early identification of additional allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

### ***Information Disclosure Statement***

2. The information disclosure statements filed 9/21/2001, 10/1/2001, 3/27/2003 and 8/21/2006 contain citations to documents without the required date. See 37 C.F.R. § 1.97(b)(5). The information disclosure statements filed 12/18/2001, 1/15/2002 and 4/4/2002 contain citations to documents identified as "US" applications in the section listing foreign patents. It is unclear what documents these citations are referring to.

Accordingly, the above noted documents have been lined through and have not been considered by the Examiner. If Applicant wishes for these documents to be considered, they should be re-submitted with proper citations.

### ***Priority***

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied

with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications, Application Nos. 09/782,380 and 09/087,623 (now US Patent No. 6,219,694), fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Neither 09/782,308 nor 09/087,623 contain any discussion relating to redirecting data over alternative communication networks based on a determination of whether a mobile terminal is within range of a short-range network.

Provisional application 60/227,947, to which priority is also claimed, does appear to adequately describe these features. Accordingly, the priority date of the present application is deemed to be August 25, 2000. If Applicant disagrees with this assessment, any response to this Office action should specifically point out where support for the present claims may be located in Application No. 09/782,308 and/or 09/087,623.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 15-20, 29, 30, 32, 36, 41-48, 52-55 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800).

6. With regard to claim 1, West discloses a method of redirecting data from a host system (fig. 1, carrier 20) to a mobile communication device (fig.1, WD 10) capable of communicating via a short-range communication network (LAN via docking station)(col. 3, ll. 23-26) and a long-range wireless communication network (wireless network)col. 2, ll. 40-43), the method comprising the steps of:

receiving data at the host system (value added services initiate communication with the wireless device at the carrier)(col. 2, ll. 53-54)

determining whether the mobile communication device is within coverage of the short-range wireless communication network (carrier checks to see which virtual base station the wireless device is connected to)(col. 3, l. 55 to col. 4, l. 6);

if the mobile communication device is within coverage of the short-range communication network, then redirecting the received data from the host system to the

mobile communication device via the short-range communication network (if wireless device is connected to a docking station, the data will be forwarded via that connectivity)(col. 3, ll. 40-54); and

if the mobile communication device is not within coverage of the short-range wireless communication network, then redirecting the received data from the host system to the mobile communication device via the long-range wireless communication network (if the device is not connected to a docking station, the data will be forwarded via the wireless network)(col. 2, ll. 50-54).

West fails to specifically disclose that the docking station permits communication via a short range *wireless* communication network.

In a similar system for permitting communication between a wireless device and a host system, Bork teaches a short-range wireless (Bluetooth) enabled docking station that interfaces with a Bluetooth-enabled wireless device to establish communications between a host system and the wireless device (col. 5, ll. 52-58). This would have been an advantageous addition to the system disclosed by West since it would have allowed the wireless device to establish communication with the carrier via the LAN connection without requiring a physical connection to the network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a short range wireless enabled docking station to connect the wireless devices to the carrier since it would have permitted a relatively high speed, low cost connection to the network without requiring the device to be physically connected to the network.

7. With regard to claim 2, West further discloses:

the mobile communication device transmitting contact information to the short-range wireless communication network indicating it is within coverage of the short-range wireless communication network (whenever the connectivity changes, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting the contact information to the host system indicating that the mobile communication device is within coverage of the short-range wireless communication network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28).

8. With regard to claim 3, West further discloses:

the short-range wireless network detecting that the mobile communication device is outside of coverage of the short-range wireless network (whenever the connectivity changes, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting lack of contact information to the host system indicating that the mobile communication device is outside of coverage of the short-range wireless communication network(authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28).



9. With regard to claim 4, West further discloses:

storing the contact information and the lack of contact information at the host system (proof of receipt/authentication information is stored at the carrier to ensure device is authorized to communicate with the carrier)(col. 1, ll. 38-44; col. 4, ll. 33-37).

10. With regard to claim 5, West further discloses:

providing a user profile database at the host system (carrier), the user profile database including identification information for a plurality of mobile communication devices (MSN, ESP or PIN), and also including contact information and lack of contact information for each of the plurality of mobile communication devices (carrier maintains database correlating unique ID of mobile device with its current location; carrier also maintains connectivity authentication information, as discussed above)(col. 3, l. 55 to col. 4, l. 6).

11. With regard to claim 6, West further discloses:

receiving contact information at the host system, the contact information including the identity of a particular mobile communication device and a network address on the LAN for a particular wirelessly-enabled interface cradle (carrier receives and stores information including ID of mobile device and its current IP address, which may be the IP of a wireless interface cradle)(col. 3, l. 55 to col. 4, l. 6);

storing the contact information in the user profile database; associating the received data to the particular mobile communication device (col. 3, l. 55 to col. 4, l. 6); and

redirecting the received data to the particular wirelessly-enabled interface cradle using the contact information stored in the user profile database (data is routed to the mobile device via the docking station when connected)(col. 3, l. 65 to col. 4, l. 2).

12. With regard to claim 7, West further discloses:

transmitting the received data from the particular wirelessly-enabled interface cradle to the particular mobile communication device (data is sent to device via docking station when connected)( col. 3, ll. 40-54).

13. With regard to claim 8, West further discloses:

when the mobile communication device is within the physical proximity of the short range wireless network, generating contact information (whenever the connectivity changes, which would occur when the device is within range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting the contact information to the host system; and using the contact information to determined whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station

may be established when the mobile device is within range (within physical proximity) of the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

14. With regard to claim 9, West further discloses:

when the mobile communication device is not within the physical proximity of the short range wireless network, generating lack of contact information (whenever the connectivity changes, which would occur when the device is within range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting the lack of contact information to the host system; and using the lack of contact information to determined whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station may be established when the mobile device is within range (within physical proximity) of the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

15. With regard to claim 10, the combined system of West and Bork further discloses:

placing the mobile communication device in an interface cradle coupled to the short-range wireless network (device may be placed in the cradle)(Bork; col. 5, ll. 56-58);

generating contact information indicating that the mobile communication device is physically connected to the short-range wireless network (whenever the connectivity changes, which would occur when the device is coupled to the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59);

transmitting the contact information to the host system; and

using the contact information to determine whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station may be established when the mobile device is coupled to the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

16. With regard to claims 15 and 16, the combined system of West and Bork further discloses that the short-range wireless network includes a Bluetooth-enabled wireless device coupled to a network (West discloses a docking station coupled to the network)(West; col. 3, ll. 23-26)(Bork discloses the use of Bluetooth-enabled docking stations in particular)(Bork; col. 5, ll. 39-47).

While West and Bork do not specifically disclose multiple wireless devices, one of ordinary skill in the art would have understood West as a system containing multiple wireless devices, particularly in light of West's discussion of the "proliferation of wireless devices" (col. 1, ll. 44-46) and the goal of the invention to enable those numerous devices to access services via alternative connections (col. 1, ll. 60-33). Furthermore, regardless of one's understanding of West, it would have been obvious to one of ordinary skill in the art to add additional docking stations to permit multiple users to interface with the system and obtain connectivity from various points on the network.

17. With regard to claim 17, the combined system of West and Bork further discloses that the short-range wireless network includes a RF-enabled (Bluetooth) wireless device coupled to a local area network (West discloses a docking station coupled to the local area network)(West; col. 3, ll. 23-26)(Bork discloses the use of Bluetooth-enabled docking stations in particular)(Bork; col. 5, ll. 39-47).

While West and Bork do not specifically disclose multiple wireless devices, one of ordinary skill in the art would have understood West as a system containing multiple wireless devices, particularly in light of West's discussion of the "proliferation of wireless devices" (col. 1, ll. 44-46) and the goal of the invention to enable those numerous devices to access services via alternative connections (col. 1, ll. 60-33). Furthermore, regardless of one's understanding of West, it would have been obvious to one of ordinary skill in the art to add additional docking stations to permit multiple users to interface with the system and obtain connectivity from various points on the network.

18. With regard to claim 18, West further discloses:

as the mobile communication device comes within RF coverage of one of the RF-enabled interface cradles, generating contact information indicating that the mobile communication device is capable of communicating with the one RF-enabled interface cradle, the contact information including an electronic address of the one RF-enabled interface cradle on the LAN (whenever the connectivity changes, which would occur when the device is within range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

redirecting the received data to the one RF-enabled interface cradle using the contact information database (data is routed to the mobile device via the docking station when connected)(col. 3, l. 65 to col. 4, l. 2).

19. With regard to claim 19, West further discloses:

as the mobile communication device moves out of RF coverage of the one RF-enabled interface cradle, generating lack of contact information indicating that the mobile communication device is not capable of communicating with the one RF-enabled interface cradle (whenever the connectivity changes, which would occur when the device moves out of range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

redirecting the received data to the long-range wireless network until the mobile communication device moves into RF coverage of the one RF-enabled interface cradle (if the device is not connected to a docking station, the data will be forwarded via the wireless network)(col. 2, ll. 50-54).

20. With regard to claim 20, West further discloses:

as the mobile communication device moves out of RF coverage of the one RF-enabled interface cradle and into RF coverage of a second RF-enabled interface cradle, generating contact information indicating that the mobile communication device is capable of communicating with the second RF-enabled interface cradle, the contact information including an electronic address of the second RF-enabled interface cradle on the LAN (whenever the connectivity changes, which would occur when the device is leaves one docking station and moves to another docking station, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

redirecting the received data to the second RF-enabled interface cradle using the contact information (data is routed to the mobile device via the docking station when connected)(col. 3, l. 65 to col. 4, l. 2).

While West does not specifically disclose multiple docking stations, one of ordinary skill in the art would have understood West as a system containing multiple docking stations, particularly in light of West's discussion of the "proliferation of wireless devices" (col. 1, ll. 44-46) and the goal of the invention to enable those numerous

devices to access services via alternative connections (col. 1, ll. 60-33). Furthermore, regardless of one's understanding of West, it would have been obvious to one of ordinary skill in the art to add additional docking stations to permit multiple users to interface with the system and obtain connectivity from various points on the network.

21. With regard to claim 29, Bork further discloses that the host system is a desktop computer system (fig. 10, 10), and the short range wireless communication network includes at least one RF-enabled (Bluetooth) interface cradle coupled to the desktop computer system (fig. 10; col. 5, ll. 39-58).

22. With regard to claim 30, West further discloses that the host system is a network server (carrier 20), and the short range wireless communication network includes a plurality of RF-enabled interface cradles coupled to the network server via a local area network (cradles connect to carrier via LAN)(col. 3, ll. 23-26).

While West does not specifically disclose multiple docking stations, one of ordinary skill in the art would have understood West as a system containing multiple docking stations, particularly in light of West's discussion of the "proliferation of wireless devices" (col. 1, ll. 44-46) and the goal of the invention to enable those numerous devices to access services via alternative connections (col. 1, ll. 60-33). Furthermore, regardless of one's understanding of West, it would have been obvious to one of ordinary skill in the art to add additional docking stations to permit multiple users to interface with the system and obtain connectivity from various points on the network.



23. Claims 32, 36, 41-48, 52-55 and 57-59 are rejected under the same rationale as claims 1-10, 15-20, 29 and 30, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

24. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Munday et al. (US 6,480,593).

25. With regard to claim 11, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to disclose activating a screen saver program at the host system and, if the screen saver program is activated, determining that the mobile communication device is not within coverage of the short-range wireless network.

Munday discloses a similar system for redirecting communications (phone calls and/or emails)(col. 6, ll. 58-65) based on the current location of a user (Abstract). Munday teaches that it may be inferred that a party is absent when the screen saver of the computer used by the party has been activated (col. 2, ll. 16-20; col. 5, ll. 41-49). When the screensaver is activated, the system assumes that the party has moved to a new location, and diverts the communications to a second location. This would have been an advantageous addition to the system disclosed by West and Bork since it

would have allowed the system to assume that a mobile device has lost connectivity with a docking station when a screen saver has been activated on a desktop system attached to the docking station.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redirect communications over the long range network when a screen saver has activated on a desktop system attached to the docking station since it is likely that the user is no longer within range of the short range network accessible at the docking station.

26. Claims 12-14, 33, 34, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Merriam (US 6,408,187).

27. With regard to claim 12, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically disclose detecting whether a user of the mobile communication device is in physical proximity to the short-range wireless network.

Merriam discloses a similar system for controlling the operation of a wireless communication device based on the physical proximity of the user (Abstract). Specifically, Merriam teaches using sensors to predict the likelihood that a user is within physical proximity to the communication device, and therefore, in physical proximity to any networks to which the device is connected (col. 3, ll. 26-36). This would have been

an advantageous addition to the system disclosed by West and Bork since it would have allowed the device to alert the user of incoming data in a manner depending on the proximity of the user to the device/network, to ensure that the user is effectively notified while minimizing disturbance of others (Merriam; fig. 2; col. 5, ll. 4-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to detect whether a user is in physical proximity to the short range wireless network, and adjust the behavior of the mobile device in accordance with the result of the detection.

28. With regard to claim 13, Merriam further discloses that a heat sensor may be used to detect the physical presence of the user (col. 3, ll. 61-62).

29. With regard to claim 14, Merriam further discloses that a visual image sensor (motion sensor) may be used to detect the physical presence of the user (col. 4, ll. 1-3).

30. Claims 33, 34, 60 and 61 are rejected under the same rationale as claims 12-14, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

31. Claims 21, 22, 37, 38, 64-66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Boesen (US 6,560,468).

32. With regard to claim 21, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically disclose a mobile communication device having a first component worn on the belt of a user and a second component work in the user's ear and redirecting a voice call to the second component and a redirecting a data message to the first component.

Boesen discloses a wireless device comprising a first wireless component (cellular transceiver 14) worn on the belt of a user (fig. 1, 14; col. 3, ll. 12-13) and a second wireless component worn in the user's ear (fig. 1, 12; col. 3, ll. 17-36). Belkin teaches redirecting received voice calls to the second wireless component (cellular calls are received and redirected to the second wireless component in the user's ear)(col. 5, ll. 1-6) and redirecting data messages to the first wireless component (cellular transceiver 14 contains a PDA that can receive data such as e-mail messages). This would have been an advantageous addition to the system disclosed by West and Bork since it would have allowed users of the wireless devices to simultaneously participate in a voice call and access data services with a single wireless device (Boesen; col. 1, ll. 62-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless device having separate components for

receiving voice calls and data messages to allow simultaneous access to voice and data services.

33. With regard to claim 22, Boesen further discloses:

redirecting the voice call from the host system to the first wireless component of the mobile communication device (transceiver receives voice data from cellular network)(col. 5, ll. 1-3); and

redirecting the voice call from the first wireless component to the second wireless component of the mobile communication device (voice data received by the transceiver is converted into low power RF and sent to the second component)(col. 5, ll. 3-5).

34. Claims 37, 38, 64-66 and 68 are rejected under the same rationale as claims 21 and 22, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

35. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Official Notice.

36. With regard to claim 23, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically

disclose that the long-range wireless network is the Mobitex network, the GSM/GPRS network, or the CDMA network.

The Examiner takes Official Notice that Mobitex, GSM/GPRS, and CDMA were old and well known in the art at the time the invention was made. West simply uses a generic wireless connection, and fails to limit the network to a particular type (col. 4, ll. 24-28). Use of Mobitex, GSM/GPRS and/or CDMA in place of West's wireless network would have been a predictable variation of West and one of ordinary skill in the art would have recognizes that using these common network types would have allowed users of those networks to have "improved access to the carrier's value-added services" (West; col. 1, ll. 60-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mobitex, GSM/GPRS and/or CDMA in place of West's wireless network.

37. Claims 24, 56, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Lemilainen et al. (US 6,766,160).

38. With regard to claim 24, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), including physically and electrically connecting the mobile device to the short-range wireless network (device may be placed in docking station)(West; col. 3, ll. 23-26)(Bork; col. 5, ll. 56-58), it fails

to disclose exchanging a shared secret between the mobile device and the host system and using the shared secret to encrypt the data prior to redirecting it from the host system to the mobile device.

Lemilainen discloses a similar system for communicating between a wireless device and a network (Abstract). Lemilainen teaches exchanging a shared secret (link key)(col. 2, ll. 32-34) between the mobile device and a host system on the network (link key is exchanged after successful authentication)(col. 7, ll. 40-49) and using the shared secret to encrypt the received data prior to redirecting it from the host system to the mobile device (it is known in the art that Bluetooth link keys are used to create the encryption keys used to encrypt data for transmission). This would have been an advantageous addition to the system disclosed by West and Bork since it would have increased the security of the communications redirected from the host system to the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to exchange a shared key between the mobile device and the host system and use the key to encrypt communications between the devices to make the communications between the two devices more secure.

39. Claims 56, 62 and 63 are rejected under the same rationale as claim 24, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

40. Claims 25 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Lemilainen et al. (US 6,766,160) further in view of Griffiths (US 7,136,999).

41. With regard to claim 25, while the system disclosed by West, Bork and Lemilainen shows substantial features of the claimed invention (discussed above), it fails to specifically disclose configuring and storing a password at the host system and prompting a user to enter the password before generating the shared secret.

Griffiths discloses a similar system for authenticating a short range wireless link between two electronic devices (Abstract). Griffiths discloses the authentication scheme for the well known Bluetooth protocol Griffiths discloses configuring and storing a password at a first electronic device (a numerical PIN is entered into the device)(col. 1, ll. 40-43) and prompting a user of the second wireless device to enter the password (the same password is entered at the second device)(col. 1, ll. 40-43). If the two passwords match, the link key is generated and exchanges (col. 1, ll. 44-52).

Since this authentication scheme is the scheme used by Bluetooth, it is almost certainly the same authentication used in Lemilainen. In the unlikely event that Lemilainen used some other type of authentication, it certainly would have been obvious to one of ordinary skill in the art to use Bluetooth's own authentication scheme to authenticate a connection between two Bluetooth devices.



42. Claim 35 is rejected under the same rationale as claim 25, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

43. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Lemilainen et al. (US 6,766,160) further in view of Boesen (US 6,560,468).

44. With regard to claim 26, while the system disclosed by West, Bork and Lemilainen shows substantial features of the claimed invention (discussed above), it fails to specifically disclose a mobile communication device having a first component worn on the belt of a user and a second component work in the user's ear or providing the shared secret to the second wireless component for use in encrypting/decrypting communications between the fist and second components.

Boesen discloses a wireless device comprising a first wireless component (cellular transceiver 14) worn on the belt of a user (fig. 1, 14; col. 3, ll. 12-13) and a second wireless component worn in the user's ear (fig. 1, 12; col. 3, ll. 17-36). Boesen teaches redirecting received voice calls to the second wireless component (cellular calls are received and redirected to the second wireless component in the user's ear)(col. 5, ll. 1-6) and redirecting data messages to the first wireless component (cellular transceiver 14 contains a PDA that can receive data such as e-mail messages). This would have been an advantageous addition to the system disclosed by West and Bork

since it would have allowed users of the wireless devices to simultaneously participate in a voice call and access data services with a single wireless device (Boesen; col. 1, ll. 62-64).

When extending the system to include a mobile device with two components, one of ordinary skill in the art would have recognized the need to encrypt the communications between the first and second wireless components to fully protect the communications. Doing so by providing Lemilainen's shared secret link key to the second wireless component would have been advantageous since it would have allowed the entire link to be secured with a single shared secret.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless device having separate components for receiving voice calls and data messages to allow simultaneous access to voice and data services and provide the shared secret to the second wireless component to ensure that the entire communication link was secured.

45. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Official Notice.

46. With regard to claim 31, while the system disclosed by West shows substantial features of the claimed invention (discussed above), including providing multiple communication paths for communicating with the mobile device (col. 5, ll. 38-42), it fails

to disclose determining which communication path is least congested and selecting the less congested path for redirecting data to the mobile device.

The Examiner takes Official Notice that examining alternative paths for congestion and selecting a less congested path for data transmission is old and well known in the art. It would have been an advantageous addition to the system disclosed by West since it would have allowed data to be transmitted over a less congested link, generally resulting in faster data transfer and a reduced risk of lost data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to examine one or more alternative communication paths to the mobile device and select the path that is least congested for redirecting the data to the wireless device.

47. Claims 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Boesen (US 6,560,468) further in view of Rydbeck (US 5,590,417).

48. With regard to claim 69, while the system disclosed by West, Bork and Boesen shows substantial features of the claimed invention (discussed above regarding claims 21 & 22), it fails to specifically disclose that the first component of the wireless device includes an interface for physically and electrically contacting the second component of the mobile device.

Rydbeck discloses a similar device containing a wireless phone and a removable wireless headset (Abstract; fig. 1). Baranowski teaches providing an interface for connecting the headset to the telephone unit to charge the battery of the headset (col. 3, ll. 20-24). This would have been an advantageous addition to the mobile device taught by Boesen since it would have allowed the headset to be recharged from the larger battery of the telephone unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to permit the second wireless component to be physically and electrically connected to the first component to allow the battery of the second component to be recharged using the larger battery of the first component.

49. With regard to claim 70, Rydbeck further discloses that the rechargeable battery of the second component is recharges when the second component is placed in the interface of the first component (col. 3, ll. 20-24).

50. With regard to claim 71, Rydbek further discloses that the first component can communicate information to the second component via the interface (when connected, the communication signals are transmitted via the interface)(col. 3, ll. 20-24).

51. Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of

Boesen (US 6,560,468) further in view of Rydbeck (US 5,590,417) further in view of Official Notice.

52. With regard to claims 72 and 73, while the system disclosed by West, Bork, Boesen and Rydbeck shows substantial features of the claimed invention (discussed above), including that the second component includes a microphone and a speaker (Rydbeck; col. 3, ll. 3-6), it fails to disclose that the first component includes a natural language voice interface for receiving voice commands from the user via the second component.

The Examiner takes Official Notice that sending voice commands to a mobile device via a wireless headset was old and well known in the art at the time the invention was made. Speech recognition software allowed users of cellular telephones and similar devices to issue commands via voice, such dialing a contact by saying "call Joe" or a similar operation. This would have been an advantageous addition to the system disclosed by West, Bork, Boesen and Rydbeck since it would have allowed users to issue commands to various parts of the system by voice, simplifying operation of the wireless device and allowing the user to command the system without having to physically interface with the wireless device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to permit users to issue voice commands to control various parts of the system.

***Allowable Subject Matter***

53. Claims 27, 28, 39, 40, 49-51 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2153

/Aaron Strange/

Examiner, Art Unit 2153